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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,910	03/07/2005	Stanislaw John Wierzbicki	AP049-05	7844

29689 7590 03/01/2011
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EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

NOTIFICATION DATE	DELIVERY MODE
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03/01/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

davidguerra@internationalpatentgroup.com
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Office Action Summary	Application No. 10/526,910	Applicant(s) WIERZBICKI ET AL.	
	Examiner Robert J. Sandy	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-38 is/are allowed.
- 6) ☒ Claim(s) 20-24, 31, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 25-30 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 20 is objected to because of the following informalities: In claim 20, line 12, the phrase "a second free and" should be changed to - - a second free end - -.. Appropriate correction is required.

Information Disclosure Statement

The information disclosure statement filed on 03/07/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Each of the documents GB-2177593-A, GB-2259108, and GB-2333798-A cited on the form PTO/SB/08A have been line-through as not being considered since the application file contains no copies of each of the cited documents.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-24, 31, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Langford (U. S. Patent No. 6,397,439).

Langford ('439) discloses an integrally formed clamp (see Figs. 1-5) for use as a clothes peg, the clamp comprising:

an opposed pair of first and second elongate substantially rigid members (10, 11), the first elongate member having a first handle portion (13) and a first clamping portion (12) and the second elongate member having a second handle portion (15) and a second clamping portion (14);

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a flexible joint (16) intermediate the lengths of the first and second elongate members configured to urge the first and second clamping portions into a clamping position when the clamp is in a passive state; and

a locking device (24, see Figs.), wherein the locking device has a hinge (25) connecting a first end of the locking device to the first handle portion and movable about the hinge, and a second free **end** adapted to releasably cooperate with the second handle portion whereby to lock the first and second handle portions in spaced relationship preventing the first and second handle portions from being moved towards one another when the clamp is in a locked position;

(concerning claim 21) in the passive state the first and second clamping portions are urged into a clamping position and the first and second handle portions are held in spaced relationship by the flexible joint, upon compression of the first and second handle portions, the first and second clamping portions are forced apart such that the first and second clamping portions are adapted to receive the garments and to clamp together the garments when the first and second handle portions are released, and the clamping portions secure the garments against dislodgment from the clamp;

(concerning claim 22) further comprising a hanging member (118) provided on the clamp;

(concerning claim 23) the locking device includes a ramp (inner surface of handle 21 in which portion 28 contacts, as shown in Figs. 1 and 2) to guide the second handle portion into cooperative engagement with the locking device;

(concerning claim 24) the ramp is considered as a cam surface;

(concerning claim 31) the hinge comprises a portion of material (material defining hinge 25) extending between the locking device and the first handle portion, the hinge is configured to be flexible without failing when subjected to continuous use;

(concerning claim 33) the first and second clamping portions include gripping features (20, 21);

(concerning claim 34) the gripping features include opposed rows of teeth (adjacent to formations 17, 18, & 19) on each of the inner facing surfaces of the first and second clamping portions.

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Allowable Subject Matter

Claims 25-30, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 35-38 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claims 35 and 37, the prior art of record fails to anticipate or render obvious the presently claimed clamp, when viewed as a whole, requiring the structural combination of elements defining the invention(s), requiring wherein the locking device of the clamp includes a ramp to guide the second handle portion into cooperative engagement with the locking device, and an inclined surface tapering from the ramp towards the hinge; wherein the second handle portion includes a complementary support surface on which the inclined surface rests when the locking device is engaged to the second handle portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vic Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J. Sandy/
Primary Examiner, Art Unit 3677

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